IN RE: PETITION FOR ZONING VARIANCE S/S Kingston Road, 130' W of Kenleigh Road (917 Kingston Road) 9th Election District

4th Councilmanic District

Richard W. Scheiner, et ux Petitioners

. . . . . . . . . . .

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 89-102-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioners herein request a variance to permit a side yard

setback of 3 feet in lieu of the required 10 feet for a proposed one story addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the sub\_oct variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Att day of September, 1988 the Petition for Zoning Variance to permit a side yard setback of 3 feet in lieu of the required

Located on the south side of Kingston Road being lot numbers 23 and 24, block 15 of Stoneleigh. Also Known as #917 Kingston Rd.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 89-102- A

Date of Posting 9/2/80 Posted for: Variones

Petitioner: Richard W. Scheiner of us Location of property: 5/5 Alnes for Rd, 130' W/Ken/eigh Rd 917 Kenleigh Rd Location of Signe Foring Kings for Rd approx 15 Fr. roadway Milleely Mumber of Signe:

10 feet for a proposed one story addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

> > Zoning Commissioner for Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 25, 1988 THIS IS TO CERTIFY, that the annexed advertisement was Dublished in OWINGS MILLS TIMES, a weekly newspaper published (lug 31, 1988.

TOWSON TIMES, POH 04072 Req# M18930

Petition for Zoning Variance Case number: 89-102-A SS Kingston Road, 130' W of Kerleigh Road (917 Kingston Road) Petitioner(s): Richard W. Scheiner, et ux Hearing Date: Thursday, Sept. 22, 1988 at 2:00 p.m. Variance to allow a side yard attack of 3 feet in lieu of the re-\$52.20 quired 10 feet. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-missioner will, however, entertain

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified terein in Room 105 of the County Office Building, located at 111 W. Chesapeales Av-

any request for a stay of the is-suance of said permit during this period for good cause shown. Such request must be in writing

and received in this office by the date of the hearing set above or presented at the hearing.

Zoring Commissioner of Baltimore County TT/333 Aug. 31

NOTICE OF HEARING

The Zoring Commissioner of Behimore County, by authority of the Zoring Act and Regulations of Beltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case number: 89-102-A SS Kingston Road, 130' W of Kenleigh Road (917 Kingston Road) Petitioner(s): Richard W. Scheiner, et ux Hearing Date: Thursday, Sept. 22, 1986 at 2:00 p.m.

Variance to allow a side yard setback of 3 feet in lieu of the required 10 feet.

In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Such request must be in writing and received in this office by the addressment of the hearing set above or presented at the hearing.

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 2, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on Sect. 1, 1988.

PO# 0407/ ReQ# M18931 \$33.75.

THE JEFFERSONIAN. . Zehe\_Onlan

Baltimore County Zoning Commission Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines
Zoning Conmissioner

September 28, 1988

Mr. & Mrs. Richard Scheiner 917 Kingston Road Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCE S/S Kingston Road, 130' W of Kenleigh Road (917 Kingston Road) 9th Election District - 4th Councilmanic District Richard W. Scheiner, et ux - Petitioners

Dear Mr. & Mrs. Scheiner:

Case No. 89-102-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> 1. Robert Haires J. ROBERT HAINES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

cc: People's Counsel

JRH:bjs

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 Date: 9/15/88 J. Robert Haines Zoning Commissioner Mr. & Mrs. Richard W. Scheiner 917 Kingston Road Baltimore, Maryland 21212 Re: Petition for Zoning Variance Dennis F. Rasmussen
County Executive Case Number: 89-102-A SS Kingston Road, 130° W of Kenleigh Road (917 Kingston Road) Petitioner(s): Richard W. Scheiner, et ux Hearing Scheduled: Thursday, September 22, 1988 at 2:00 p.m. Dear Mr. & Mrs. Scheiner: the above-referenced property. All fees must be paid prior to the hearing Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself. THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before 1 post set(s), there BALTIMORE COUNTY, MARYLAND each set not OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT B-01-615-000 AMOUNT\_\$ 100.95 RECEIVED B.W. Schainar Posting & Advortising C 89-102-A) B 095++++10095:4 822#F

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1. To allow a side yard setback of 3 ft. in lieu of the required 10 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) We would like to build an addition on which would include a master bedroom with a NE 3 Full bath, one story. We need to build on the eastside of our home as it is the only possible place. We need a variance in order to accomplish this addition of the neighbors have no objection. Property is to be posted and advertised as prescribed by Zoning Regulations. bove Variance advertising, posting, etc., upon filing of this be bound by the zoning regulations and restrictions of 29170 e Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Richard W. Scheiner Lexard by

ESTIMATED LENGTH OF HEARING AVAILABLE FOR HEARING

REVIEWED BY: DATE 7-15-88 Baltimore County

MON./TUES./WED. - NEXT TWO MONTHS

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 J. Robert Haines

August 17, 1988

917 Kingston Road (301) 377-8503

Name, address and phone number of legal owner, con

Baltimore, Maryland 21212

City and State

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

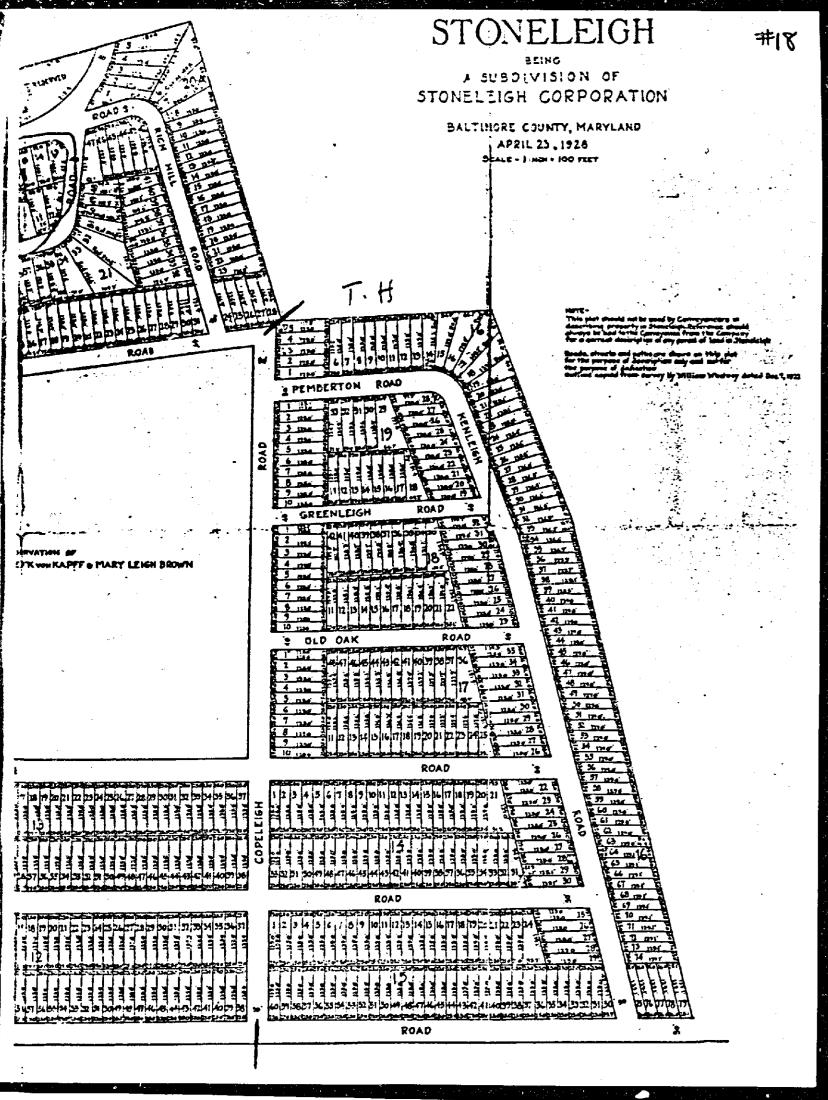
NOTICE OF HEARING

Petition for Zoning Variance CASE NUMBER: 89-102-A Ss Kingston Road, 130' W of Kenleigh Road (917 Kingston Road) Petitioner(s): Richard W. Scheiner, et ux HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 2:00 p.m.

Variance to allow a side yard setback of 3 feet in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Mr. & Mrs. Richard W. Scheiner File



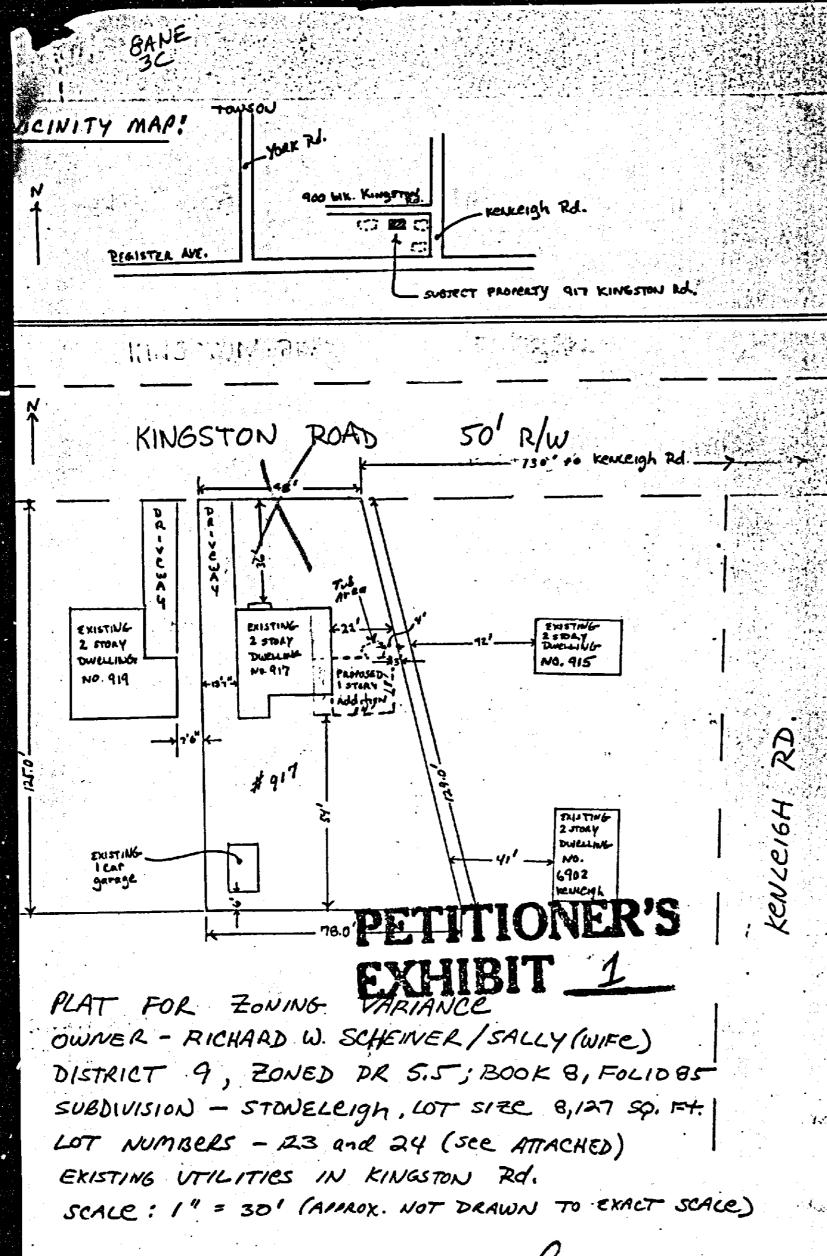
the property line comes to within 3' to 4' at the front corner of the addition. This is because the property line runs diagonally from the rear of the property to the front of the property and the rear line is greater than the front line. The resultant diagonal direction of the property line brings the property line closer to the addition at the front of the addition requiring the need for the variance.

Speaking not only as an architect, but also as a current resident and former President of Stoneleigh Community Association, I strongly believe the proposed addition is aesthetically pleasing, will enhance the surrounding properties and will not act as a detriment to any property owner. If the variance were to be denied, I do not believe an addition could be designed that would be able to retain as successfully the architectural style of the house and that would provide anywhere near as functional a living space as the proposed design.

Respectfully,

Slin C. Jystan, AIA

Glen A. Tipton, AIA



1 Sign #18

Re: Side yard addition to the home of:
Richard W. Scheiner
917 Kingston Road
Baltimore, MD 21212

To whom it may concern:

We own and live in the residence at 919 Kingston Road at the corner of Kenleigh Road and Kingston Road in Stoneleigh Community. Our backyard abutts the eastern boundry of Richard Scheiner's property at 917 Kingston Road. An addition built on the east side of Mr. Scheiner's home would, therefore, be directly behind our backyard near the property line.

We have reviewed the site plans drawn by Glen Tipton, architect, for the proposed addition on the east side of Mr. Scheiner's home. Mr. Scheiner explained that he is seeking a variance in the zoning law to allow the addition to be built in accordance with the specifications on the site plan. We understand that, at one point, the addition would be 3 ft. from the property line of our rear yard.

Having reviewed the site plan and discussed this with Mr. Scheiner, we would like to state for the record that we have no objection to the addition being built as set forth in the site plan and that we would not oppose the variance being granted by the Baltimore County Zoning Board to allow Mr. Scheiner to proceed with construction of the addition as set forth in the site plan.

Very truly yours,

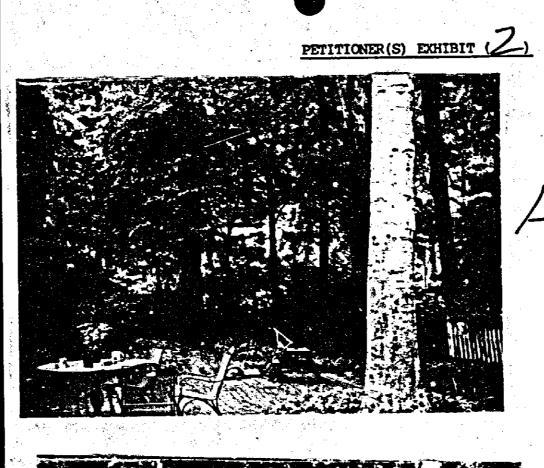
M. Lee Starkey
919 Kingston Road
Baltimore, MD 21212

Wilma H Starkey

Wilma Starkey 919 Kingston Road Baltimore, MD 21212

cc: Richard W. Scheiner 917 Kingston Road Baltimore, MD 21212

PETITIONER'S
EXHIBIT 4





174

Glen A. Tipton 907 Old Oak Road Baltimore, Maryland 21212

PETITIONER'S
EXHIBIT 3

September 12, 198

I have been retained by Richard and Sally Scheiner to design an addition consisting of a master bedroom and bathroom at their residence at 917 Kingston Road in the community of Stoneleigh. I am particularly interested in this home since I presently live in Stoneleigh Community myself and was, in fact, the former resident at 917 Kingston Road. This home is a 50+ year old, tudor style dwelling. Given the tudor styling of the house with its peaked roof line and the size and shape of the lot, the only practical location for the addition is on the east side of the house. Any reduction in the width of the room would make it too narrow and would limit its utility as a master bedroom. In addition, the width and location of the room as designed were chosen to create a roof line which is in keeping with the tudor design and in proportion to that of the existing house. I have designed the addition to match the present style of the house for aesthetic as well as practical reasons. I believe keeping the addition architecturally consistent with the main house will enhance not only this property, but the surrounding properties as well.

I understand the setback limitation is 10' from the property line under the current zoning regulation. Most of this addition is within that 10' limit. However, at the front of the addition,

## FETITIONER'S EXHIBIT 5

Re: Side Yard Addition to the Home of:
Richard W. Scheiner, 917 Kingston Road, Baltimore, MD 21212

We, the undersigned, are neighbors living in close proximity to the home of Richard and Sally Scheiner at 917 Kingston Road in Stoneleigh Community. We are aware that Mr. Scheiner is seeking a variance in the zoning law to allow an addition to be built on the east side of his lot. We understand that he is seeking a variance to reduce the side yard setback allowance from 10' to 3' from one point of the property line on the east side of his lot. We would like to state for the record, we have no objection to the addition being built as planned and that we do not oppose the variance being granted by the Baltimore County Zoning Board as requested by Mr. Scheiner.

Jame Wolfram Guld Address

Jame Wolfram Guld Address

July Kingston RV

Address

July Kingston Rd

Address

July Kingston Rope

Address

July Kingston Rope

Address

July Kingston Rope

Address

Stoneleigh Community Association, Inc. Valtimore, Maryland 21212

June 8, 1988

Mr. Richard W. Scheiner 917 Kingston Road Baltimore, MD 21212

Re: Side Yard Addition at 917 Kingston Road

Dear Mr. Scheiner:

The Improvements and Restrictions Committee of the Stoneleigh Community Association, Inc. has reviewed the site plan drawn by Glen Tipton, architect, for the side yard addition proposed for the east side of your home at 917 Kingston Road. We hereby approve the proposed plan for the addition on behalf of Stoneleigh Community Association, Inc.

Thank you for submitting the plan to the Committee for review and approval.

Very truly yours,

Improvements & Restrictions Committee
Stoneleigh Community Association, Inc.

PETITIONER'S
EXHIBIT 6

89-102-4

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this \_\_\_\_ day of \_\_\_\_\_, 1988.

Petitioner Richard W. Scheiner, et ux Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee Petitioner's

Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Dennis F. Rasmusser
County Executive

Location: S/S Kingston Road, 130' W. of Kenleigh Road 917 Kingston Road Item No.: 18

Re: Property Owner: Richard W. Scheiner, et ux

Zoning Agenda: Meeting of 7/26/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

EXCEPDS the maximum allowed by the Fire Department.

(  $^{\rm X}$  ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Catt Joseph Willy 7-15-88 Approved:

Planning Group

Special Inspection Division

Noted and

Fire Prevention Bureau

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE September 16, 1988

RE: Item No. 18 - Case No. 89-102-A

Petition for Zoning Variance

Petitioner: Richard W. Scheiner, et ux

The Zoning Plans Advisory Committee has reviewed the plans

COUNTY OFFICE BLDG.

Mr. & Mrs. Richard W. Scheiner 917 Kingston Road Baltimore, Maryland 21212

MEMBERS Bureau of Engineering

Dear Mr. & Mrs. Scheiner:

Department of Traffic Engineering State Roads Commissi Bureau of

submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans Health Department that may have a bearing on this case. The Director of Planning Project Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Building Department Board of Education Enclosed are all comments submitted from the members of the Zoning Administratio Industrial Development

Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Ganus E. Dyer /dt JAMES E. DYER Zoning Plans Advisory Committee

JED:dt

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

917 Kingston Road Baltimore, Maryland 21212

Mr.and Mrs. Richard W. Scheiner

RE: Petition for Zoning Variance Item 18

Dear Mr. and Mrs. Scheiner:

I am in receipt of your letter of August 3, 1988 in which you requested an early hearing date. I understand your dilemma and your need to obtain a hearing date as soon as possible. You should know that more than 80% of the Petitions, that come before the Zoning Commissioner, are individuals wishing to begin their projects immediately and wanting early hearing dates.

I will attempt to find an early hearing date for you. However, I must, in all fairness, tell you that the Zoning Commissioner's docket is extremely crowded. I have reduced the delay, for the overall docket, from nearly 5-1/2 months, when I was appointed Zoning Commissioner on August 3, 1987, to the current 60 to 90 day turnaround. You should know and understand that it is legally impossible to schedule a hearing in less than 30 days. All matters before the Zoning Commissioner must be advertised in the newspaper and properly posted for statutory periods of time.

Again, I want to affirm that I will find the earliest hearing date possible for you. However, I cannot place the hearing before October, because all hearing dates in August and September are already

Thank you for your time and cooperation.

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

August 24, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

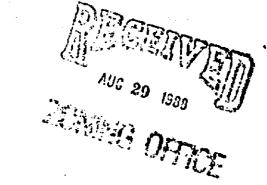
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 480, 5, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40.

Very truly yours,

Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/RF/lab



Richard W. Scheiner 917 Kingston Road Baltimore, MD 21212 (301) 377-8503



ZONING OFFICE

The Honorable J. Robert Haines Zoning Commissioner of Baltimore County County Office Building Towson, MD 21204

Re: Petition for Residential Zoning Variance by Richard W. Scheiner and Sally B. Scheiner Item Number: 18

Dear Commissioner Haines:

My wife and I filed a Petition for Residential Zoning Variance sc that we could begin my wire and i like a recition for hestuential Zoning variance of the me community. construction on an addition to our nome at 91/ kingston moad in Stoneleigh community.

Our Petition for Zoning was filed on July 15, 1988. My family needs to add this addition to our home in order to provide sufficient living space in the home. I was addition to our home in order to provide sufficient living space in the home. I was addition to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed to hear that the matter could not be scheduled for a hearing for 60 - 90 disappointed for 60 days. This is going to cause us great problems in the construction of the addition since we must get the addition under roof before the cold weather sets in. I fear that the delay in having a hearing on the variance will result in our having to wait to begin construction until the Spring of 1989.

I am enclosing a copy of letters from my immediate neighbors, Mr. & Mrs. Starkey, I am enclosing a copy of letters from my immediate neighbors, Mr. & Mrs. Starkey, indicating they have no objection to the proposed addition. I am also enclosing a copy from the Improvements & Restrictions Committee of the Stoneleigh Community Association approving of the proposed plan for the addition. I do not expect there to be any opposition to the proposed addition.

Commissioner Haines, we would greatly appreciate any consideration you can give us in scheduling this matter for a prompt hearing regarding the residential variance. Thank you for your kind cooperation and assistance in this regard.

RWS:ed encls. (2)

Re: Side yard addition to the home of: Richard W. Scheiner 917 Kingston Road Baltimore, MD 21212

To whom it may concern:

We own and live in the residence at 919 Kingston Road at the corner of Kenleigh Road and Kingston Road in Stoneleigh Community. Our backyard abutts the eastern boundry of Richard Scheiner's property at 917 Kingston Road. An addition built on the east side of Mr. Scheiner's home would, therefore, be directly behind our backyard near the property line.

We have reviewed the site plans drawn by Glen Tipton, architect, for the proposed addition on the east side of Mr. Scheiner's home. Mr. Scheiner explained that he is seeking a variance in the zoning law to allow the addition to be built in accordance with the specifications on the site plan. We understand that, at one point, the additon would be 3 ft. from the property line of our rear yard.

Having reviewed the site plan and discussed this with Mr. Scheiner, we would like to state for the record that we have no objection to the addition being built as set forth in the site plan and that we would not oppose the variance being granted by the Baltimore County Zoning Board to allow Mr. Scheiner to proceed with construction of the addition as set forth in the site plan.

> Very truly yours, M Zm Mons M. Lee Starkey 919 Kingston Road Baltimore, MD 21212 Wilma H Starkey Wilma Starkey 919 Kingston Road

Baltimore, MD 21212

cc: Richard W. Scheiner 917 Kingston Road Baltimore, MD 21212 Stoneleigh Community Association, Inc. Baltimore, Maryland 21212

June 8, 1988

Mr. Richard W. Scheiner 917 Kingston Road Baltimore, MD 21212

Re: Side Yard Addition at 917 Kingston Road

Dear Mr. Scheiner:

The Improvements and Restrictions Committee of the Stoneleigh Community Association, Inc. has reviewed the site plan drawn by Glen Tipton, architect, for the side yard addition proposed for the east side of your home at 917 Kingston Road. We hereby approve the proposed plan for the addition on behalf of Stoneleigh Community Association, Inc.

Thank you for submitting the plan to the Committee for review and approval.

Very truly yours,

Improvements & Restrictions Committee Stoneleigh Community Association, Inc.